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SUBJECT: PRISONS IN LAGHMAN PROVINCE FUNCTIONING RELATIVELY
WELL

Classified By: Interagency Provincial Affairs Deputy Coordinator Hoyt Y
ee for reasons 1.4 (b) and (d)

Summary

¶1. (C) A recent visit to Laghman prison demonstrated that penal reform in this province is moving in the right direction, although detention centers continue to suffer from a lack of resources. On August 3, a Rule of Law team from Task Force Mountain Warrior (TFMW) toured the Laghman provincial prison, courthouse and justice directorate, with the relevant provincial officials. The purpose of the visit was to evaluate prison conditions and the general state of the rule of law in the Mehtar Lam, the capitol of Laghman Province, which is roughly 100 kilometers east of Kabul. The facilities were well-maintained; the prison has spare capacity and prisoners appear to receive humane treatment. Ten Taliban are held in the prison, and a CERP project is being implemented to reinforce the exterior walls of the compound. In general, the penal system in Laghman appears to be functioning fairly well.

¶2. (C) Task Force Mountain Warrior (TFMW) Rule of Law SJA CPT Scrogam, A/Rule of Law (ROL) Officer for Provincial Reconstruction Team (PRT) Laghman Miller, and TFMW State Department ROL Coordinator (collectively, ROL REPs) toured the Laghman provincial prison, courthouse and justice directorate, meeting with Chief Judge Mawlawi Abdul Mateen, Justice Department Director Mawlawi Obaidullah Alakozai, Chief Prosecutor Sayed Anber Pacha, and Prison Director Dawalat Mohammed Aziz. All of the various judicial facilities had electricity and were reasonably well-kept.
A Decent Compound

¶3. (C) Laghman prison is the main detention facility for Laghman province, and a fair indicator of the state of detention facilities in the region. It is located on an approximately one-acre walled compound on the outskirts of Mehtar Lam. The wall facing the road, which was damaged in a Taliban attack, is made of Hesco barriers. The remaining three compound walls are stone masonry with razor wire on top. The prison yard is separated into two facilities and courtyards, one each for pretrial detainees and convicts, so the two groups are segregated at all times. A smaller building houses insurgents. The prison buildings and administrative offices are also brick and stone masonry. There are trees in the courtyards.

Spare Capacity, Mixed Population

¶4. (C) The prison is a combined jail and prison. It currently houses 128 prisoners, of whom 87 are convicts, with the remaining 41 are awaiting trial. Dawlat said the

facility has 54 guards, all of whom have completed a training course at the Corrections System Support Program(CSSP). Ten of the prisoners are Taliban members, who are housed in a separate building, the General said. Likewise, pre-trial detainees are housed in a separate compound from the convicts. Two of the prisoners are women and they live in a building separated from the male population. Beyond this, there is no effort to classify or segregate the inmates. High- and low-risk convicts are mixed together, as are high- and low-risk detainees, which is detrimental to inmate safety and security of the facility. The prison has space for 250 inmates, according to Dawlat.

Access to Food, Medical Care

15. (C) Each cell has four or five bunks and is roughly fifteen by twenty feet. Each bunk bed had mattresses, and the cells were reasonably clean and filled with personal effects. The squat toilets had porcelain fixtures and were clean. Showers and sinks were also available. Walls were bare, though the floors had rugs. With prison officials present, ROL REPS spoke briefly with the pre-trial detainees. One detainee said he had been waiting for trial for eight months. Other detainees, not present at that meeting, reportedly have been waiting longer. Detainees said they are fed three times a day and have daily access to a doctor when necessary. The youngest detainee said he was sixteen years old. ROL REPs toured the prison medical clinic, which had some medicine but no examining tables or furniture.

16. (C) ROL REPs also toured the portion of the prison where

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convicts are housed. ROL REPs did not see the inmates, living area, but the cell block, a long building, appeared to be reasonably clean and not excessively crowded. The metal cell doors were all open. Convicts had vocational training opportunities and made jewelry for sale. One group of convicts said they were studying English, and asked the ROL REPs for instructional materials.

Taliban Breakout Attempts

17. (C) Dawlat told ROL REPS that several months ago, a group of Taliban insurgents attempted to storm the prison and release fellow Taliban members. One Taliban prisoner was shot while making his escape, and another prisoner, a (non-Taliban) murderer, managed to escape, as did all of the attackers. A Commander,s Emergency Response Program (CERP) project is being implemented to reinforce the prison walls to better protect against such attacks in the future.

Manageable Case Load, New Courthouse Wanted

18. (C) ROL REPs met separately with Laghman,s Chief Judge at the Laghman provincial courthouse. The courthouse is in a walled compound adjacent to the governor,s compound. The judge,s chambers were spacious, but fairly spartan, with few books or other furniture, and with cracks visible in the back wall. ROL REPs did not see the USAID-published judicial reference set the court should have received at sometime over the past year. The Chief Judge did have copies of the Afghan Supreme Court newsletter, which provides updates on recent judicial decisions and legal issues of national significance. ROL REPs did not have the opportunity to view the rest of the courthouse. The Chief Judge and Chief Prosecutor agreed to pass to the ROL REPs copies of the monthly reports they send to Kabul.

19. (C) The Chief Judge presides over 30 judges at the provincial and district level. The court is adequately keeping up with its caseload, the Chief Judge said, remarking that ordinary crime (as opposed to insurgent activity) has

been decreasing in the past couple of years. However, the court does not currently have a system for keeping track of such data. The Chief Judge said he hoped for a new courthouse, and said he had been promised a new courthouse "many times" by previous Coalition Force representatives. He said that the present court building was in disrepair, which reflected adversely on his office. (Note: While the current building is a little run down, it is in serviceable condition and appears to have adequate space. Also, there is a newly constructed but vacant building near forward operating base (FOB) Methar Lam, which was reportedly built to be a courthouse, but never used. End Note.)

Threats Against Judges

¶10. (C) The Chief Judge also expressed concerns about security, referring to an attempted bombing that had occurred at the courthouse about six months ago. One suspect has been arrested for the attempted bombing. The Chief Judge said he did not know what had happened to the suspect, but he believed the individual had been turned over to Coalition Forces. He added that he and other judges often received threats, and that the judges had asked to be armed so they could defend themselves if attacked. The State ROL Coordinator said threat information should be passed to Coalition Forces for investigation.

¶11. (C) The PRT recently renovated the Chief Prosecutor's office building, and provided new furniture for it. The Prosecutor's office still needs metal filing cabinets and a secure storage facility for evidentiary materials. Currently, rifles and other trial evidence are propped in the corner of the prosecutor's office, and two other guns were broken in half to fit in a cabinet.

¶12. (C) Separately, the ROL REPs met with Directorate of the Justice Department Alakozai, who also directs the &Huquq8 civil law/alternative dispute resolution wing of the judiciary, which assembles Jirgas based on petitions. Legal awareness advisors are provided to advise the Jirgas. If the Jirga outcome is not satisfactory to both parties, appeal can be made through the civil courts. (Note: We still do not have insight into how effective this system is in practice. End Note.) Separately, Juvenile Justice Director Mawlawi seeks a new building because the current office is quite cramped, consisting of only two rooms with no reception area

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or front desk.

Comment

¶13. (C) The visit to Laghman prison demonstrated that penal reform in this province is moving in the right direction, although the detention centers continue to suffer from a lack of resources. The CSSP deserves a great deal of credit for the training and professionalization of prison staff, and Laghman prison officials have a positive and rehabilitation-oriented mindset. ROL REPs will look for ways to support the English language programs. ROL REPs will also ask PRT Laghman to investigate whether the vacant building adjacent to the PRT base was indeed intended as a courthouse. Threats against judges are of concern, and the ROL REPs will begin to compile information on threats. ROL representatives will follow up on the courthouse bombing case, to reassure the judiciary that their security concerns are being addressed. ROL REPs will seek further information from the Chief Judge and Coalition Force channels on these issues. End Comment.

